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01 be prohibited from incurring new lines of credit or credit obligations, maintain a single checking
02 account for all financial transactions, participate in home confinement, divulge any business
03 interests, disclose all assets and liabilities, be prohibited from possessing any false identification
04 documents, and notify his probation officer of any change in financial circumstances.

05 On April 11, 2006, defendant admitted violating the conditions of supervised release by
06 using cocaine, failing to report for drug testing, and failing to submit monthly reports. (Dkt. 192.)
07 Defendant was ordered to reside in a community corrections center for up to 120 days. (Dkt. 198.)

08 On July 5, 2006, defendant admitted violating the conditions of supervised release by
09 failing to successfully complete the community correction center placement. (Dkt. 207.) He was
10 sentenced to 60 days in custody, plus two years and three months supervised release. (Dkt. 209.)

11 On September 25, 2006, defendant admitted violating the conditions of supervised release
12 by failing to notify his probation officer prior to a change of residence and failing to truthfully
13 answer all inquiries by his probation officer. (Dkt. 217.) Defendant was sentenced to 4 months
14 in custody, plus two years supervised release. He was required to reside in a community
15 corrections center for up to 120 days. (Dkt. 220.) On November 26, 2007, defendant's probation
16 officer reported that defendant had failed to submit monthly reports for the months of June
17 through October 2007. No action was taken at the time. (Dkt. 225.)

18 In an application dated November 12, 2008 (Dkt. 226), U.S. Probation Officer Thomas
19 J. Fitzgerald alleged the following violations of the conditions of supervised release:

20 1. Failing to report for urinalysis testing as directed on September 22, 2008, and
21 October 2, 3, and 6, 2008, in violation of his special condition of supervised release.

22 2. Consuming methamphetamine, a controlled substance, on or before October 31,

01 2008, in violation of standard condition number seven of his supervised release.

02 Defendant was advised in full as to those charges and as to his constitutional rights.

03 Defendant admitted the alleged violations and waived any evidentiary hearing as to
04 whether they occurred.

05 I therefore recommend the Court find defendant violated his supervised release as alleged,
06 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
07 set before Judge Zilly.

08 Pending a final determination by the Court, defendant has been detained.

09 DATED this 23rd day of December, 2008.

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11 _____

12 Mary Alice Theiler
United States Magistrate Judge

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14 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Patricia Lally
Defendant's attorney: Walter G. Palmer
Probation officer: Thomas J. Fitzgerald
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